

IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1858.—Agreed to and ordered to be printed.

Mr. MALLORY submitted the following report:

REPORT.

The Committee on Claims, to whom was referred the memorial of Ambrose Whitlock, have had the same under consideration and thereupon report:

That the memorialist alleges that he was appointed receiver of public moneys at the land office at Terre Haute, in the State of Indiana, in May, 1820, and that in 1823 the land office was removed to Crawfordsville, in said State. That by order of the Treasury Department he was required to deposit the public money received by him at Louisville, Kentucky; and that he received and deposited, while the office was at Terre Haute, \$150,000, and after its removal to Crawfordsville, \$800,000. That for this service he was entitled to receive, under the act of 22d of May, 1826, a commission of one per cent. upon such receipts and deposits, amounting to \$9,585 67, whereas he has only been allowed by the department \$2,839 06, leaving a balance due him, and which he claims, of \$6,743 61.

He further alleges that this allowance did not cover the actual amount of his transportation of the large sum of \$958,267 in specie, independent of the additional expenses incurred by him of guarding it, and its risk of loss. That this transfer of specie was made at a time when there were no roads in that part of Indiana, when it was a dense forest, and when it was extremely hazardous and expensive to transport silver thus to Louisville. Such, in substance, are his allegations.

If it be true that this officer, through a wild and uninhabited country was compelled to carry so large an amount of specie to make a deposit, it would be but simple justice that the United States should pay all the reasonable expense attending it. The receiver's salary was \$500 per annum, and he alleges that all which he has ever been allowed for this service, viz: \$2,839 06, is insufficient to pay his actual outlay of money for transporting the funds to Louisville, "to say nothing of the expense of guarding the transportation and the risk of loss."

The memorial is unsupported by any proof, nor are its statements sworn to.

This committee find from the records of Congress that the memorialist presented his claim to the 2d session of the 27th Congress, when it was referred to the Committee of Claims of the Senate, which committee referred it to the Commissioner of the General Land Office. This officer, on the 18th of April, 1842, made the following report:

APRIL 18, 1842.

The Commissioner of the General Land Office to whom has been referred the letter of the honorable Mr. Woodbridge, of the Committee of Claims of the Senate, to the Secretary of the Treasury, respecting the claim of Ambrose Whitlock, esq., late receiver at Crawfordsville, Indiana, for additional compensation for the transportation of the public moneys deposited by him at Louisville, Kentucky, has the honor to report:

That Mr. Whitlock was receiver at Terre Haute from the 4th September, 1820, to 31st May, 1823, and at Crawfordsville from the 1st June, 1823, to August 31, 1829, inclusive.

That the distance between both those place and Louisville, was estimated at 170 miles, although the distance from Crawfordsville to the place of deposit is now stated at the General Post Office to be but 155 miles.

That Mr. Whitlock was allowed the sum of \$2,993 94, according to the statement herewith submitted, under the treasury regulations of 13th February, 1827, (in pursuance of the act of Congress of 22d May, 1826,) fixing the rate of compensation to receivers for the transportation of the public moneys at $\frac{1}{10}$ of one per cent. for every ten miles by land, to the place of deposit, and half of that rate by water.

That those rates of compensation were changed by the subsequent regulations of 1st May, 1831, which authorize the allowance of the $\frac{1}{10}$ of one per cent. for every ten miles of the nearest route to the place of deposit, for the *risk* of transportation; and twelve and a half cents per mile going and returning for travelling expenses by land, and by water six cents per mile, with such additional allowances for the transportation of specie as will be a remuneration for the increased expense attending such transportation, provided that claims for such additional allowances be supported by satisfactory vouchers.

That no application appears to have been made by Mr. Whitlock through the General Land Office for additional compensation for the transportation of his deposits, nor does it appear from the letter of the honorable Mr. Woodbridge, above referred to, that his claim now before Congress, after a lapse of nearly thirteen years since he went out of office, is supported by any evidence to show that the transportation was attended by extraordinary difficulty and danger, occasioning much expense and risk not covered by the allowance to him of the sum above stated, viz: \$2,993 94.

That according to the statement, also herewith submitted, of the moneys received and accounted for by Mr. Whitlock, his deposits were made at long intervals, between September, 1820, and June, 1826, after which latter date they were made quarterly; and that, consequently, he incurred the expense and risk of transportation during the first period but seldom, and was amply remunerated therefor by

the allowance made to him under the regulations of 13th February, 1827, without regarding the interest of the funds withheld from the public treasury.

That if his compensation were to be calculated at the rates prescribed by the regulations of May 1, 1831, it would amount to only \$2,436 61, for the sum of \$958,302 55, deposited by him at *nineteen* different times, assuming the distance of transportation to be 170 miles, as estimated in the allowance made by him ; say—

For risk of transportation, at $\frac{1}{100}$ of 1 per cent. for every 10 miles.....	\$1,629 11
For mileage on 6,460 miles, going and returning, for 19 trips to Louisville, at $12\frac{1}{2}$ cents per mile.....	807 50
Total.....	<u>2,436 61</u>

With such additional allowance for transportation of specie as might be supported by satisfactory vouchers.

That the difference between the rates of compensation fixed by the regulation of 13th February, 1827, and 1st May, 1831, consists in the greater or less magnitude of the deposits, and their less or greater frequency, for any given distance, as, for instance :

If twelve hundred thousand dollars (\$1,200,000) had been deposited during a term of *ten* years, at *twenty* different periods, the compensation for the transportation, 170 miles, by land, would amount, under the first regulations, to the sum of..... \$4,080 00

And under the last the amount would be as follows :

For risk of transportation 170 miles, $\frac{1}{100}$ of 1 per cent. for every 10 miles.....	\$2,040 00
For mileage on 6,800 miles, going and returning, for 20 trips, at $12\frac{1}{2}$ cents per mile.....	850 00
	<u>2,890 00</u>
Showing a difference in favor of the depositor, by the former rate of allowance, for a <i>few</i> trips, of.....	<u>1,190 00</u>

If the deposits had been made *quarterly* for the same term of ten years, the amount of compensation, under the latter regulations, would be \$3,740. But if made monthly, in sums of \$10,000 each, as authorized and required by the same regulations, when receipts are large, the compensation would amount, for 120 trips, to \$7,140. Showing a decided inducement, (which was intended,) by the regulations of May 1, 1831, for frequent deposits, independently of the additional allowance authorized for the transportation of specie, when claims for such additional allowance are supported by approved vouchers.

That an allowance of the *one half* of one per cent. was made to Thomas A. Smith, receiver at Franklin, Missouri, for transporting his deposits to St. Louis on a difficult and hazardous route of 180 miles ; and of *one-third* of one per cent. to John Taylor, receiver at Cahaba,

Alabama, for transportation to St. Stephen's, a distance estimated at 125 miles, as appears by a letter from George Graham, Commissioner of the General Land Office, to the Hon. Richard Rush, Secretary of the Treasury, dated February 23, 1829, a copy of which is likewise herewith submitted.

That special allowances have also been made at other rates to some other receivers, which, however, do not appear to apply to the claim of Mr. Whitlock.

Finally, that, considering all the circumstances of his case, the undersigned is of opinion Mr. Whitlock is *not* entitled to any further allowance for the transportation of the moneys deposited by him.

All which is respectfully submitted.

E. M. HUNTINGTON,

Commissioner of the General Land Office.

Hon. WALTER FORWARD,

Secretary of the Treasury.

Your committee having referred the memorial, now presented, to the Interior Department, have received the following letter in relation to it:

GENERAL LAND OFFICE, *March 29, 1858.*

SIR: I have the honor to return herewith the memorial of Mr. Ambrose Whitlock, late receiver of public moneys at Crawfordsville, Indiana, referred by the honorable Secretary of the Interior to this office.

After a careful examination of the reports on amounts of moneys received during the entire period Mr. Whitlock was in office, I find that \$145,556 74 was deposited while he was receiver at Terre Haute, and \$851,929 49 while he was receiver at Crawfordsville; making the total amount to \$997,486 23.

Mr. Whitlock has been allowed \$9,576 10 commissions, \$3,130 38 for transportation, besides \$500 per annum salary during the time he was in office.

With much respect, your obedient servant,

THOS. A. HENDRICKS,

Commissioner.

Hon. S. R. MALLORY,

Chairman of Committee on Claims, U. S. Senate.

Your committee, in consideration of the foregoing statements, and in view of the fact that the memorialist "has been allowed \$9,576 10 commissions, and \$3,130 38 for transportation, besides his regular salary of \$500 per annum during the time he was in office, do not deem him entitled to the relief prayed, and therefore report adversely to the same, and ask to be discharged from its further consideration.